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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 09/446,835 | 12/29/1999 | GREGORY FENDIS | P06608US0/DE | 2965 |
| 881 | 7590 | 03/21/2007 | EXAMINER | |
| STITES & HARBISON PLLC 1199 NORTH FAIRFAX STREET SUITE 900 ALEXANDRIA, VA 22314 | | | MOSSER, ROBERT E | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3714 | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|----------------------------------------|------------|---------------|
| 3 MONTHS | 03/21/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|----------------------------------|-------------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/446,835 | FENDIS, GREGORY | |
| | Examiner Robert Mosser | Art Unit 3714 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 November 2006. •
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-31,34,35 and 37-43 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-31,34,35 and 37-43 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>1-8-2007</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

◆
Claims 1-31, 34- 35, and 37-43 are rejected.

Responsive to the amendment filed November 27th, 2006.

This action is Final

◆

Information Disclosure Statement

The Information Disclosure Statement submitted January 3rd, 2007 has been considered by the Examiner and a copy of said statement including the examiner's notation is included for the Applicant's records. Additionally elements crossed through by the Examiner on this IDS have been already considered by the Examiner as they have been previously presented during prosecution. Accordingly these elements were crossed through to avoid duplicate entries within the record.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 13-22, 29-31, 34-35, 37-38, and 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Colley** (US 5,283,733) or **Born** et al (US 5,949,679) in view of **Lobb** et al (5,810,680) in further view of **Lobsenz** (US 6,030,109).

[The Response to Arguments section presented below is incorporated herein]

Regarding claims 1-5, 13-22, 29-31, 34-35, 37-38, and 41-43, Colley discloses a golf scoring/sport data collection system that includes a central score collection computer for accumulating, storing, manipulating golf scores, and providing through transmission said cumulative golf scores to a player at one or more of the golf terminals (Fig. 1, #1 & Col 3:60-65); a plurality of score input terminals for entering golf score data remotely, said terminals being distributed about a golf course so that one or more of said terminals are located in association with each hole of said course (Fig. 1, #3) and each of said terminals is provided with data indicative of its location (identification data); and communications means for communicating between said terminals and said central computer; whereby golf score data corresponding to a respective one of said holes can be entered into any one of aid one or more terminals located in association with a respective hole and wherein said golf score data so entered and said data indicative of a respective location of a respective terminal (identification data) are transmitted to the central computer (also see written description-abstract', col. 1, lines 27-32 and lines 36-42).

Regarding claims **1-5, 13-22, 29-31, 34-35, 37-38, and 41-43**, Born teaches a golf scoring/sport data collection system that includes a central score collection computer for accumulating, storing, manipulating golf scores, and providing through transmission said cumulative golf scores to a player at one or more of the golf terminals (Fig. 1, #12 & Col 5:46-56); a plurality of score input terminals for entering golf score data remotely, said terminals being distributed about a golf course so that one or more of said terminals are located in association with each hole of said course (Fig. 1, #14) and each of said terminals is provided with data indicative of its location (identification data); and communications means for communicating between said terminals and said central computer; whereby golf score data corresponding to a respective one of said holes can be entered into any one of aid one or more terminals located in association with a respective hole and wherein said golf score data so entered and said data indicative of a respective location of a respective terminal (identification data) are transmitted to the central computer (also see written description-abstract; col. 4, lines 9-14; col. 5, lines 5-16; col. 5, lines 26-29; col. 5, lines 57-64; col. 6, lines 29-39; col. 14, lines 4-6 and col. 14, lines 50-53).

Regarding claims **1-5, 13-22, 29-31, 34-35, 37-38, and 41-43**, Colley or Born teach the limitations of the claims above however, Colley or Born are silent regarding the newly added claim features of "a participant in said sport or game can play or progress through said phases in any order without providing said identification data to said respective data input means during said sport or game". Lobb teaches an input unit that has a GPS tracked input unit that has the feature of data input means is associated

without being entered during said sport or game along with providing the respective identification data indicative of a respective location in terms of phases of play in form of a graphical map (*Lobb* Abstract; Fig. 1; Fig. 2 and Fig. 2A and Fig. 5A). It would have been obvious to a person of ordinary skill in the art at the time of the invention to include these features, as taught by *Lobb*, in the input means of *Colley* or *Born* to make the system more convenient for the user, whereby game play does not have to be interrupted to enter pertinent data. This would increase speed of play and make gaming more enjoyable.

The combination of either *Colley* or *Born* in view of *Lobb* arguably fails to disclose allowing the player's to progress through the game phases in any order as now claimed. In a related application however *Lobsenz* teaches a golf scoring system that allows players to proceed through a golf course either in numeric sequence or alternatively a sequence of their choosing (*Lobsenz* Figure 3, 5, & Col 6:64-7:9, 9:40-44). It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the ability to allow golfers to play the holes of a golf course out of order as taught by *Lobsenz* in the invention of *Colley/Lobb* or *Born/Lobb* so that teams would avoid delays in play due to slower groups located at the next sequential hole.

Claims 6-12, 23-28 and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over ***Colley*** or ***Born*** et al in view of ***Lobb*** et al (5,810,680), in further view of ***Lobsenz*** (US 6,030,109) in yet further in view of ***Lyon*** (6,074,312).

Regarding claims **6-12, 23-28 and 39-40**, Colley or Born in view of Lobb/Lobsenz teaches all the limitations of the claims as discussed above. The references lack the explicit disclosure of the data card and reader. However, as discussed in the previous office actions (papers #12 and #15), incorporated herein by reference, Lyon teaches this feature. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the similar golf score keeping teaching of Lyon encompassed on a smart card with the golf devices of Colley, Born and Lobb/Lobsenz to make it easier for the users to store and keep track of their scores or alternatively provide the player with a portable copy of their golf statistics.

Response to Arguments

Applicant's arguments with respect to claims **1-31, 34- 35, and 37-43** have been considered but are moot in view of the new ground(s) of rejection.

The Applicant's amendments have overcome the prior art of Luna for incorporating features into the claimed invention, which, demonstrate a distinction between the prior art rejections reliant on Luna. In accordance with the removal of Luna the newly discovered reference of Lobsenz has been found to be relevant to the claims as presented.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Mosser whose telephone number is (571)-272-4451. The examiner can normally be reached on 8:30-4:30 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



REM
March 15th, 2007

MARK SAGER
PRIMARY EXAMINER